

CITY OF FRANKLIN – PLAN COMMISSION – REZONING

Reviewed By: _____ Date: _____

Case No.: _____

Receipt No.: _____

Application for Rezoning

Applicant's Name: Jon Sheidler Phone No.: (317) 223-2226

Applicant's Address: 7635 Interactive Way, Suite 100, Indianapolis, Indiana 46278

E-Mail: Jon.Sheidler@Woolpert.com

Agent's Name: _____ Phone No.: _____

Agent's Address: _____

E-Mail: _____

Owner's Name: Simon Farms & Simon Road Franklin LLC Phone No.: _____

Owner's Address: 2007 Simon Road, Franklin, Indiana 46131 & Simon Road, Franklin, Indiana 46131

E-Mail: _____

Premises Affected (common address – attach recorded legal description):

1603-1999 Simon Road & 2300 North Commerce Road

Existing Zoning Classification: RS-1 & MXC Proposed Zoning Classification: MXR

Area (in acres): 23.52 Township: Franklin Section: 10

Reasons for Rezoning Request: Future Development of the land requires MXR zoning due to the size and access restrictions of the parcel.

The above information and attached exhibits, to my knowledge and belief, are true and correct.

Jon Sheidler
Applicant's Signature

State of INDIANA

SS:

County of MARION

Subscribed and sworn to me this 17th day of MARCH, 20 15.

My Commission expires: 11/06/15

Phyllis J. Daulton
Notary Public



Note: This form approved by Indiana State Bar Association for use in Indiana.
Use of this form constitutes practice of law and is limited to practicing lawyers.

006871

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, That Thomas S. Simon, John B. Simon, Nellie Irene Simon, and Helen F. Simon, as tenants ("Grantor") of Johnson County in the State of Indiana In common, QUITCLAIM (\$\$) to Simon Farms (an Indiana General Partnership) of Johnson County in the State of Indiana for the sum of One Dollars (\$ 1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Johnson County, Indiana:

See attached Exhibit "A".

IN WITNESS WHEREOF, the Grantor has executed this deed, this 9th day of

November 19 82

Signature Thomas S. Simon

Printed Thomas S. Simon

Signature John B. Simon

Printed John B. Simon

Signature Nellie Irene Simon

Printed Nellie Irene Simon

Signature Helen F. Simon

Printed Helen F. Simon

STATE OF INDIANA
COUNTY OF JOHNSON

SS

Before me, a Notary Public in and for said County and State, personally appeared Thomas S. Simon, John B. Simon, Nellie Irene Simon, and Helen F. Simon, who acknowledged the execution of the foregoing

Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 9th day of November 19 82

My commission expires 12-30-85

Signature Camela J. Menden

Printed Camela J. Menden, Notary Public

Residing in Johnson

County of Johnson

This instrument was prepared by

Paul A. Hass

attorney at law.

BOOK 228 PAGE 719

228-719

A part of the Northeast quarter of Section Nine (9), Township Twelve (12) North, Range Four (4) East of the Second Principal Meridian, bounded and described as follows:

Beginning at the Northeast corner of said quarter section; thence South along and upon the East line thereof forty-one (41) chains and forty-four (44) links to the Southeast corner of said quarter section; thence West along and upon the South line thereof thirty (30) chains and eleven (11) links; thence North twenty (20) chains and sixty-five (65) links, thence East twelve (12) chains and fifty-one (51) links; thence North twenty (20) chains and fifty-three (53) links to the North line of said quarter section; thence East along and upon said North line to the place of beginning, containing one hundred and ninety-eight hundredths (100.98) acres, more or less.

ALSO:

A part of the Southeast quarter of Section Nine (9), Township and Range aforesaid, bounded and described as follows, to-wit:

Beginning at the Northeast corner of said quarter section; thence South along the East line thereof to the Northeast corner of the South half of the Southeast quarter of the Southeast quarter of Section Nine (9); thence West to a point fourteen and one-half (14 1/2) rods West of the West line of said Southeast quarter of the Southeast quarter; thence North to the North line of said Southeast quarter section; thence East to the place of beginning, containing seventy-one (71) acres, more or less.

ALSO:

The Northwest quarter of Section Ten (10), Township and Range aforesaid, containing one hundred sixty (160) acres, more or less.

Parcel 2 (prior to exceptions)

ALSO:

A part of the West half of the Northeast quarter of Section Ten (10), Township and Range aforesaid, bounded and described as follows, to-wit:

Beginning at the Southwest corner of said half quarter section; thence East along and upon the South line thereof thirty-four (34) rods and twelve (12) links; thence North and parallel with the West line of said half quarter section to the middle of the county road running East and West through said half quarter section; thence West along and with the middle line of said road thirty-four (34) rods and twelve (12) links to the West line of half quarter section; thence South along and upon said West line seventy-nine (79) rods and eighteen and two-thirds (18 2/3) links to the place of beginning, containing seventeen and one-half (17 1/2) acres, more or less.

The premises herein described contain in the aggregate three hundred forty-nine and forty-eight hundredths (349.48) acres, more or less.

ALSO:

The following described real estate located in Franklin Township, Johnson County, Indiana, containing 29 acres in Section 3, Township 12, Range 4, and 57.24 acres, more or less, in Section 10, Township 12, Range 4, and more particularly described as follows:

A part of the West half of the Southeast quarter of Section Three (3) and a part of the Northeast quarter of Section Ten (10), Township and Range aforesaid:

Beginning at the Northwest corner of the Northeast quarter of said Section Ten (10); thence North sixteen and sixty-four hundredths (16.64) chains; thence East eleven and fifty hundredths (11.50) chains to the right-of-way of the Indianapolis, Columbus & Southern Traction Company; thence Southeasterly with said line to the middle of a public highway; thence South eighty-one (81) degrees West with said highway twenty-two (22) chains; thence North twenty-one and thirty-six hundredths (21.36) chains to the place of beginning.

Parcel 1 (prior to exceptions)

X ALSO: Beginning at a point on the East line of the Northeast quarter of Section Ten (10), said Township and Range aforesaid, ten and thirty-four hundredths (10.34) chains South of the Northeast corner thereof; thence West and parallel with the North line thereof twenty and forty-five hundredths (20.45) chains to the middle of the State Road; thence Northwesterly with said road to the North line of said quarter section; thence East twenty-three and twenty-seven hundredths (23.27) chains to the Northeast corner thereof; thence South to the place of beginning.

Containing in both tracts eighty-six and twenty-four hundredths (86.24) acres, more or less.

Received for record this 12 day of Nov. A.D. 1982 @ 3:44 P.M. Recorded in

Record 228 Page 719

Recorder Johnson County

BOOK 228 PAGE 719

PARCEL C:

A PART OF THE WEST HALF OF LOT 1 IN SIMON COMMERCIAL SUBDIVISION, AN ADDITION TO THE CITY OF FRANKLIN, JOHNSON COUNTY, INDIANA, AS PER PLAT THEREOF RECORDED JULY 2, 2001 IN PLAT CABINET D, PAGES 367 A & B, AS INSTRUMENT NO. 2001-019139, IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1, BEING A POINT 35.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD);

THENCE NORTH 16 DEGREES 12 MINUTES 17 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 305.65 FEET, TO THE NORTHWEST CORNER OF SAID LOT 1;

THENCE NORTH 83 DEGREES 07 MINUTES 18 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 239.71 FEET;

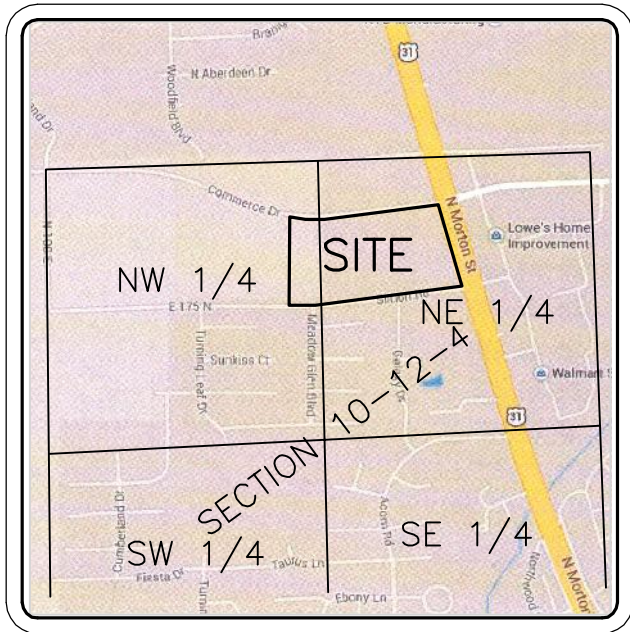
THENCE 47.52 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 09 DEGREES 35 MINUTES 55 SECONDS WEST AND A LENGTH OF 45.76 FEET;

THENCE SOUTH 17 DEGREES 37 MINUTES 51 SECONDS EAST, A DISTANCE OF 231.78 FEET;

THENCE 34.60 FEET ALONG AN ARC TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 37 DEGREES 27 MINUTES 11 SECONDS EAST AND A LENGTH OF 33.91 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 1, SAID POINT BEING 35.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) THE CENTERLINE OF COUNTY ROAD 175 NORTH (ALSO KNOWN AS SIMON ROAD);

THENCE ALONG THE SOUTH LINE OF SAID LOT 1, BEING A LINE 35.00 FEET NORTH OF AND PARALLEL TO THE CENTERLINE OF SAID COUNTY ROAD 175 NORTH, SOUTH 82 DEGREES 55 MINUTES 15 SECONDS WEST, A DISTANCE OF 237.69 FEET TO THE POINT OF BEGINNING, CONTAINING 1.55 ACRES, MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83).



SITE MAP

NOT TO SCALE

CITY OF FRANKLIN – PLAN COMMISSION

Letter of Intent

The applicant, Woolpert, Inc., has the following reasons for the rezoning of the property located at 2300 North Commerce Drive, Franklin, Indiana:

- The proposed zoning is compliant with the adjacent and zoning uses to the East and to the North.
- The proposed development fits within the commercial district of the capitalized long-term land use plan.
- The proposed development will bring tax base to the City of Franklin.
- The development will promote long term investment in the community by a family owned company.

CITY OF FRANKLIN PLAN COMMISSION

Affidavit & Consent of Property Owner

I (WE) Simon Road Franklin LLC

after being duly sworn, depose and say:

1. That I (we) are the owner(s) of real estate located at:

1857-1999 Simon Road Franklin Indiana 46131
Common Address City State Zip

2. That I (we) have read and examined the Application for platting, annexation and/or rezoning and are familiar with its contents.

3. That I (we) have no objections to, and consent to such request as set forth in the application.

4. That such being made by the applicant is (is not) a condition to the sale or lease of the above referenced property.

Paul M. Thrift, Manager of Simon Road Franklin, LLC
Owner's Name (Please Print)

[Signature]
Owner's Signature

State of INDIANA

SS:

County of VIGO

Subscribed and sworn to me this 26th day of March, 20 15

My Commission expires: 8-29-17

Tammi L. Robertson
Notary Public

Tammi L. Robertson



CITY OF FRANKLIN – PLAN COMMISSION

AFFIDAVIT & CONSENT OF PROPERTY OWNER

Simon Farms, a general partnership, by Nellie I. Simon, Partner, after being duly sworn, deposes and says:

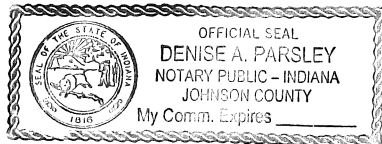
1. That Simon Farms, a general partnership, ("Owner") is the owner of real estate located in the City of Franklin, County of Johnson, State of Indiana more particularly described in Exhibit A, attached hereto.
2. That Owner has read and examined the Application for rezoning and is familiar with its contents.
3. That Owner has no objections to, and consents to such request as set forth in the application.
4. That such being made by the applicant is a condition to the sale of the above referenced property.

Simon Farms, a general partnership by:

Nellie I. Simon
Nellie I. Simon, Partner

State of Indiana)
) SS:
County of Johnson)

Subscribed and sworn to me this 18 day of March, 2015.



Denise A. Parsley
Denise A. Parsley, Notary Public
Residing in Johnson County, Indiana

My Commission Expires: 9/4/16

Exhibit A

Parcel A:

A part of the Northeast Quarter of Section Ten (10), Township Twelve (12) North, Range Four (4), East of the 2nd Principal Meridian, Johnson County, State of Indiana described as follows:

Commencing at the Northwest corner of the northeast quarter of said Section 10, being a stone found per Johnson County Section Corner Record CE-40; thence south 00 degrees 08 minutes 43 seconds west, along the west line of the northeast quarter of said Section 10, being a line connecting said stone found at the Northwest corner of the northeast quarter of said section 10 and a stone found at the southwest corner of the northeast quarter of said Section 10 per Johnson County Section Corner Record CG-40, a distance of 579.84 feet to a point on the south line of the parcel described in Exhibit "A" of Instrument Number 2006-023945, recorded September 14, 2006 in the Johnson County Recorder's Office; thence along the south line of said parcel the following six (6) courses:

- 1) easterly 167.45 feet along an arc to the left, having a radius of 2050.00 feet, subtended by a long chord having a bearing of north 85 degrees 45 minutes 56 seconds east and a length of 167.40 feet;
- 2) north 83 degrees 25 minutes 32 seconds east, a distance of 802.40 feet;
- 3) south 37 degrees 32 minutes 17 seconds east, a distance of 29.15 feet;
- 4) north 83 degrees 25 minutes 33 seconds east, a distance of 30.00 feet;
- 5) north 21 degrees 56 minutes 56 seconds east, a distance of 20.94 feet;
- 6) south 89 degrees 43 minutes 54 seconds east, a distance of 70.50 feet to the southeast corner of the parcel described in said Exhibit "A", being also the southwest corner of the parcel described in Exhibit "B" of said Instrument Number 2006-023945;

Thence along the southerly line of the parcel described in said Exhibit "B", south 56 degrees 44 minutes 21 seconds east, a distance of 66.27 feet to a point stated in said Exhibit "B" as being on the west right-of-way line of State Road 31 (U.S. Highway 31) thence along the purported west right-of-way line of State Road 31 (U.S. Highway 31), south 17 degrees 37 minutes 51 seconds east, a distance of 422.43 feet to the northeast corner of the parcel per the warranty deed recorded August 26, 1993 in Book 272, Page 516, said northeast corner stated in said warranty deed as being on the west right-of-way line of U.S. Highway 31; thence along the north line of the parcel per said warranty deed, south 83 degrees 07 minutes 18 seconds west, a distance of 516.21 feet to the northwest corner of said parcel; thence along the west line of said parcel, south 16 degrees 12 minutes 17 seconds east, a distance of 341.10 feet to a point in the centerline of County Road 175 North (also known as Simon Road); thence along said centerline the following two (2) courses:

- 1) south 82 degrees 55 minutes 15 seconds west, a distance of 859.97 feet to an apparent angle point in said centerline;
- 2) north 89 degrees 40 minutes 25 seconds west, a distance of 4.71 feet to a point on said west line of the northeast quarter of Section 10;

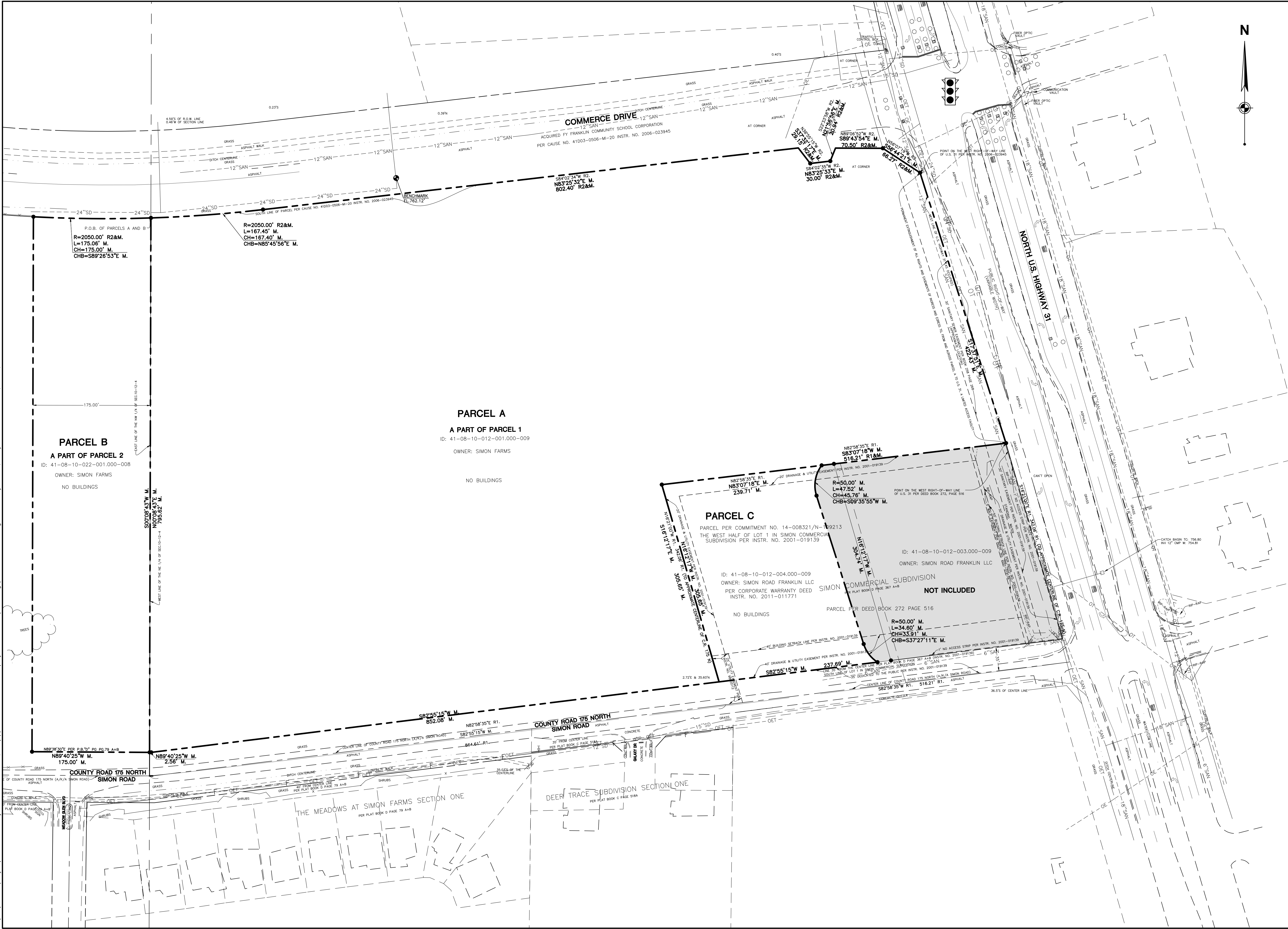
thence along said west line of the northeast quarter of Section 10, north 00 degrees 08 minutes 43 seconds east, a distance of 830.62 feet to the point of beginning, containing 19.47 acres, more or less.


Parcel B:

A part of the northwest quarter of Section Ten (10), Township (12) North, Range Four (4) East of the 2nd Principal Meridian, Johnson County, State of Indiana described as follows:

Commencing at the Northeast corner of the northwest quarter of said Section 10, being a stone found per Johnson County section corner record CE-40; thence south 00 degrees 08 minutes 43 seconds west, along the east line of the northwest quarter of said Section 10, being a line connecting said stone found at the northeast corner of the northwest quarter of said Section 10 and a stone found at the southeast corner of the northwest quarter of said Section 10 per Johnson County section corner record CG-40, a distance of 579.84 feet to a point on the south line of the parcel described in Exhibit "A" of Instrument Number 2006-023945, recorded September 14, 2006 in the Johnson County Recorder's Office; thence continuing along said east line of the northwest quarter of said Section 10, south 00 degrees 08 minutes 43 seconds west, a distance of 830.62 feet to a point in the centerline of County Road 175 North (also known as Simon Road); thence along said centerline, north 89 degrees 40 minutes 25 seconds west, a distance of 175 feet; thence north 00 degrees 08 minutes 43 seconds east, along a line parallel to the east line of the northwest quarter of said Section 10, a distance of 831.30 feet to a point on the south line of the parcel described in said Exhibit "A" of Instrument Number 2006-023945; thence along the south line of said parcel, easterly, 175.06 feet along an arc to the left, having a radius of 2050.00 feet, subtended by a long chord having a bearing of south 89 degrees 26 minutes 53 seconds east and a length of 175.00 feet to the point of beginning, containing 3.33 acres, more or less.

Layout Tab Name: EX-1, Images: 74485-x.dwg
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G:\DE\clients\Meijer\074485 - Meijer FRK - Franklin, IN Application and Permit\City of Franklin\Rezoning\Rezone Exhibit.dwg Plotted By: Conter, Kelly Plotted: March 17, 2015, 10:25:05 AM



SHEET NO.	MEIJER FRK US 31 & COMMERCE DRIVE FRANKLIN, IN 46131 REZONE EXHIBIT	<div> 7635 Interactive Way Suite 100 Indianapolis, IN 46278 DR. KAC 317.299.7500 FAX: 317.291.5805 CKD. JFS</div>	PROJECT No:	No.	DATE	REVISION
			74485			
			DATE 03/17/15			
			DES. KAC			
			DR. KAC			
EX-1						SEAL